

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: TAKAKURA=1B

In re Patent of:)	Conf. No.: 2228
)	
TAKAKURA et al.)	
)	Washington, D.C.
U.S. Patent No. 7,314,744)	
)	
Issued: January 1, 2008)	April 30, 2010
)	
For: HYPERTHERMOSTABLE)	ATTN: Certificate of
PROTEASE GENE)	Correction Division

REQUEST FOR EXPEDITED ISSUANCE OF CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. §1.322

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In checking over the printed copy of the above-identified patent, we have found the following errors that are entirely the fault of the Patent and Trademark Office. It is respectfully requested that these errors be corrected in accordance with 37 CFR §1.322(a) and that the issuance of the certificate be expedited in accordance with MPEP §1480.01. The errors to be corrected are listed below.

The PTO erred by publishing the incorrect related U.S. Application Data at section [60] of the patent. At section (60), it incorrectly states that the patent is "Continuation-in-Part of application No. 09/841,553" It should

In re of U.S. Patent No. 7,314,744

read "Division of application No. 09/841,553". The attached certificate of correction effects this correction.

The transmittal letter filed on March 16, 2004, clearly identifies this application as a divisional. On the Official Filing Receipt dated August 12, 2004, it clearly states that this application is a divisional of 09/841,553. Indeed, the first paragraph of U.S. Patent 7,314,744 itself clearly indicates that it is a division of application no. 09/841,533. No amendments were ever made changing the status of the application from a divisional to a continuation-in-part.

In accordance with MPEP §1480.01, this certificate is entitled to expedited issuance as the error is attributable solely to the Patent and Trademark Office.

We are attaching herewith a copy of the transmittal letter as filed on March 16, 2004, and a copy of Official Filing Receipt of August 12, 2004, both of which show that the application that matured to U.S. Patent 7,314,744 was in fact a divisional of U.S. Patent Application No. 09/841,533. The present proposed change will require no additional examination on the part of the examiner as the correction is merely the correction of a clerical error. The change merely confirms the information submitted and acknowledged during the prosecution of the application and does not add new matter.

Accordingly, it is clear that the clerical error was solely the error of the PTO. Granting of this request and

In re of U.S. Patent No. 7,314,744

issuance of the attached certificate of correction on an expedited basis are therefore earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /rlb/
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March 16, 2004

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Hon. Commissioner for Patents
Box Patent Appln
Washington, D.C. 20231

Re: Division of Application No. 09/841,553
Applicant(s): Hikaru TAKAKURA et al.
Title: HYPERTHERMOSTABLE PROTEASE GENE
Atty's Docket: TAKAKURA=1B

Sir:

Attached herewith is the above-identified divisional application for Letters Patent including:

- ☒ Specification (113 pages), claims (1 page), abstract (1 page) and sequence listing (40 pages)
- ☒ 24 Sheets Drawings (Figures 1-32)
 - ☒ Formal ☐ Informal
- ☒ Declaration and Power of Attorney (2 page(s))
 - ☐ Newly executed ☒ Copy from prior application no. 08/894,818
- ☐ Preliminary Amendment
 - ☐ Computer-readable Sequence Listing
- ☐ Supplemental Preliminary Amendment
- ☒ Information Disclosure Statement with 2 references
- ☐ A verified statement to establish small entity status under 37 CFR §1.9 and 37 CFR §1.27 (page(s))
- ☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 856.00 , to cover the filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 770.00
TOTAL CLAIMS	6 -20	= 0	x 18	---
INDEPENDENT CLAIMS	4 - 3	= 1	x 86	86.00
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 290	---
<input type="checkbox"/> Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$ 856.00

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 86	
[] Multiple Dependent Claim Presented				+ 290	
[] Reduction by 1/2 for Small Entity					
Total Additional Fee ==					

- ☐ Other Fees: _____
- ☐ Other Attachments: _____
- ☐ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☒ The benefit under 35 USC §119 is claimed of the filing date of:
Application No. 323285/1995 in JAPAN on December 12, 1995. A certified copy of said priority document was transmitted by the International Bureau to the file of the parent application, since said parent case is a national phase of a PCT application.
- ☒ The present application is a ☐ Continuation ☒ Division ☐ Continuation-in-part of prior Application No. 09/841,553.
- ☐ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of _____, who is/are not inventor(s) in the present divisional application.
- ☒ The prior application was assigned to: Takara Shuzo Co., Ltd., 609, Takenaka-cho, Fushimi-ku, Kyoto-shi, Kyoto 612 JAPAN
- ☐ Amend the specification by inserting before the first line the sentence:
--This is a division of copending parent application Serial No., nationalized _____, of which the international application _____ was filed _____--
- ☐ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior applications _____, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO/SB/08A listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 09/841,553, please associate the present application with **Customer No. 001444** and recognize only the practitioners associated therewith.
- ☐ A verified statement claiming small entity status is enclosed in progenitor application no. _____, filed _____. Status is still proper and desired.

- [X] The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed in application no. 09/841,553, filed April 24, 2001. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application (or included in a separately filed preliminary amendment for incorporation into the specification).
- [X] The undersigned attorney of record hereby revokes the powers of attorney of:
- Nick Bromer, Registration No. 33,478
- [X] The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- Jay M. Finkelstein, Registration No. 21,082
- Ronni Jillions, Registration No. 31,979
- [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- [X] Any additional filing fees required under 37 CFR §1.16.
- [X] Any patent application processing fees under 37 CFR §1.17.
- [X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- [X] Any patent application processing fees under 37 CFR §1.17.
- [] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- [X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- [X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- [X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Allen C. Yun

Registration No. 37,971

ACY:pp



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/800,684	03/16/2004	1652	856	TAKAKURA=1B	24	6	4

CONFIRMATION NO. 2228

001444
 BROWDY AND NEIMARK, P.L.L.C.
 624 NINTH STREET, NW
 SUITE 300
 WASHINGTON, DC 20001-5303

FILING RECEIPT



OC000000013514345

Date Mailed: 08/12/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Hikaru Takakura, Otsu-shi, JAPAN;
 Mio Morishita, Otsu-shi, JAPAN;
 Katsuhiko Yamamoto, Otsu-shi, JAPAN;
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 Susumu Tsunasawa, Otsu-shi, JAPAN;
 Ikunoshin Kato, Uji-shi, JAPAN;

Assignment For Published Patent Application

Takara Shuzo Co., Ltd., Kyoto-shi, JAPAN;

Domestic Priority data as claimed by applicant

This application is a DIV of 09/841,553 04/24/2001
 which is a DIV of 08/894,818 05/20/1998 PAT 6,261,822
 which is a 371 of PCT/JP96/03253 11/07/1996

Foreign Applications

JAPAN 323285/1995 12/12/1995

If Required, Foreign Filing License Granted: 08/11/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

Hyperthermostable protease gene

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,314,744

APPLICATION NO.: 10/800,684

ISSUE DATE : January 1, 2008

INVENTOR(S) : Hikaru Takakura

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At section [60] delete "Continuation-in-Part of application No. 09/841,553" and insert --Division of application No. 09/841,553--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH Street N.W. Suite 300
Washington, D.C. 20001-5303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.